



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 14

Tyco Technology Resources
4550 New Linden Hill Road
Suite 450
Wilmington, DE 19808-2952

OCT 27 2003

In re Application of)
Wayne Samuel Davis et al.)
Application No. 09/628,669)
Filed: July 28, 2000)
For: ELECTRICAL CONNECTOR WITH)
PROTECTION FOR ELECTRICAL)
CONTACTS)

DECISION ON PETITION

This is a decision on the petition, filed September 10, 2003, via facsimile transmission, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to timely reply to the Final Office action of July 17, 2002. A Notice of Abandonment was mailed on July 16, 2003.

Petitioner states that a Request for Continued Examination (RCE) was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt of a RCE and a request for an extension of time of one month on January 22, 2003. A copy of the RCE filing was submitted with the petition. The RCE Transmittal letter includes an authorization to charge the requisite fees to petitioner's deposit account.

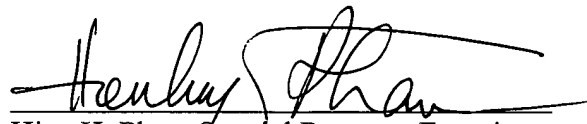
The RCE and the request for extension of time acknowledged as having been received in the USPTO on January 22, 2003, are not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the RCE was timely received in the USPTO but lost after receipt thereof.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The copy of the RCE submitted on September 10, 2003 is accepted since the Office has apparently misplaced the response originally submitted.

The application record indicates that a the filing fee for the RCE and the fee for a one-month extension of time have not been collected.

The application file is being forwarded to the Technical Support staff for processing the RCE and charging deposit account No. 02-0387 the appropriate fees. From there, the application file will be returned to the examiner for further examination..

A handwritten signature in black ink, appearing to read 'Hien H. Phan', is written over a horizontal line.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components
(703) 308-7502